

Notice of Allowability

Application No.

10/660,346

Examiner

Shelley Self

Applicant(s)

PARK ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/27/06.
2. ☒ The allowed claim(s) is/are 1-6, 8, 9, 11-19 and 25-27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other


DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

DETAILED ACTION

Response to Amendment

The amendment filed on February 27, 2006 is sufficient to overcome the prior art reference. The Examiner has approved the drawing replacement sheets filed February 27, 2006.

Election/Restrictions

Claims 1 and 17 are generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 2, 3, 5 and 9 are no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim. However, claims 20-24 are directed to the species of figures 8 and 9 remain withdrawn.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Accordingly, claims 2, 3, 5 and 9 are rejoined.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The Examiner's Amendment was approved by the Attorney of Record, Bart Fisher on March 31, 2006.

The application has been amended as follows:

- Claim 9, delete "according to claim 7" replaced with **-according to claim 1—**
- Claims 20-24 **are cancelled** as being drawn to a non-elected invention

Allowable Subject Matter

Claims 1-6, 8, 9, 11-19 and 25-27 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or fairly suggest a planar comprising *two channels from the blade chamber, each channel leading to a passage each passage having an opening* in combination with the rest of the claimed limitations as set forth in claims 1 and 17.

As noted in the previous Office Action, the prior art reference Casal discloses a hand operated powered planar having a single channel and passage including an opening (19) for discharging chips and shavings or debris resulting from the rotary cutting of the planer cutter (5). Casal does not disclose two channels or two passages. Accordingly, Casal fails to anticipate or render obvious the claimed invention as set forth in claims 1 and 17.

Prior art reference, Hild et al. (hereinafter referred to as Hild) discloses a hand operated powered planer having two passages associated with a single channel for discharging chips and debris from the planer. Although Hild discloses two passages having openings (31, 33) for discharging debris, Hild does not disclose more than one channel, and thus fails to anticipate or render obvious the claimed invention as set forth in claims 1 and 17.

Additionally, both prior art references Eichberger et al. (5,815,934) and Razlan et al. (2003/0168122) disclose a planar having the ability to dispose of chips/debris on either side of the planar housing. Eichberger explicitly discloses a planer having a housing (fig. 1) including a rotatable cutting drum having at least one cutting knife/blade attached to the drum such that a portion of the knife/blade extends through an opening in the planar housing to facilitate planing/groove cutting a workpiece. Eichberger further discloses that as a workpiece is subjected to a cutting operation of the planer dust/debris results, that dust/debris is exited through a single conduit, chamber and then passage (fig. 5), the passage (fig. 5) having openings on either side of the passage to facility discharge of debris/dust to either side of the planer. However Eichberger teaches that the dust/debris can only be disposed from one side of the passage (fig. 5) at a time because a deflector (50; figs. 7-9) having an end sized to cover one of the openings of the passage is inserted in the passage; such that once inserted dust/debris is directed to one side for disposal. Therefore, Eichberger does not disclose or fairly suggest *two channels from the blade chamber, each channel leading to a passage each passage having an opening*. Instead Eichberger teaches only a single passage/channel having two openings.

Also Razlan is similar to Eichberger in that, Razlan also teaches a planar having a housing, rotatable cutting drum including at least one blade/knife and a single passage (17; fig.

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1) having openings on both sides of the passage for dust/debris removal. Razlan teaches the use of a cap (15) to cover one opening of the passage during operation such that the dust/debris created is discharged through only one opening at a time. Thus similarly to Eichberger, Razlan does not disclose or fairly suggest *two channels from the blade chamber, each channel leading to a passage each passage having an opening* and instead teaches only a single passage/channel having an opening on each side of the passage. Accordingly neither Eichberger nor Razlan the claimed invention as set forth in claim 1 and 17.

Neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 1 and 17. Therefore claims 1-6, 8, 9, 11-19 and 25-27 are deemed allowable over the prior art of record. .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf

March 31, 2006



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